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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,310	02/20/2004	Yegor Sinelnikov	TRANS 3.0-055	7812
20583	7590	03/10/2010	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			PEFFLEY, MICHAEL F	
			ART UNIT	PAPER NUMBER
			3739	
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			03/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,310	Applicant(s) SINELNIKOV ET AL.	
	Examiner Michael Peffley	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,9,10,83-87 and 89-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,9,10,83-87 and 89-93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 Feb 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 25, 2010 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 9, 10, 83-87 and 89-93 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 has been amended to remove recitation of "an ablation device". As such, all occurrences of "the ablation device" lack antecedent basis. Claim 7 has to such recitations of "that ablation device" and "said ablation device", and claim 84 also includes similar recitation. Also, the amendment to lines 3-4 of claim 7 is unclear with the recitation "having an ultrasonic transducer a balloon". It appears a word (e.g. "and") is missing after transducer.

Claim 7 is also unclear in that the method is directed towards a method of treating cardiac tissue, but there is no treatment step in the body of the claim. The step of "actuating the ultrasonic transducer" is not deemed a treatment step since transducers may be used for various non-treating steps, such as imaging.

Claim 10 should recite "as claimed in claim 7" to make the claim clearer.

Claim 89 is unclear with reciting "inflating at least one balloon", particularly since there is only positive recitation of a single balloon.

Claim 92 lacks proper antecedent basis for "the distal side of the catheter", and new claim 93 should refer to "the catheter", instead of "a catheter" (two occurrences) to avoid double inclusion of the catheter element.

Claim Rejections - 35 USC § 103

Claims 7, 9, 10, 83-87 and 89-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fjield et al (2002/0065512) in view of the teaching of Tu et al (5,971,968).

Fjield et al has addressed in the previous Office action. It is noted that the Published Application, which matured into USPN 6,635,054), is cited in this rejection since the printed Publication applies as prior art under 35 USC 102(a). Fjield et al disclose a device and method for cardiac ablation comprising providing an ablation device including a balloon having a distal facing wall (30) that is directed towards a surface to be ablated. The device is inserted into the left atrium for treating tissue surrounding the ostium of a pulmonary vein (col. 4, lines 10-12). Fjield et al provide embodiments including an anchor structure for anchoring the device within the

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pulmonary vein area, but there are also embodiments that do not include the anchor member (col. 15, lines 13-15) and Fjield et al specifically disclose treating alternative heart locations (col. 12, lines 33-45 and col. 27, lines 63+). As such, Fjield et al teach the device may be anchored (i.e. forcibly engaged) to the wall of the pulmonary vein, or does not need to be forcibly engaged to the wall and is free to move to different locations. As shown in Figure 15, Fjield discloses an embodiment wherein the balloon includes a first reflective surface (1452) and a second reflective surface (1402) spaces apart and directed towards (at least partially) the first reflective surface so as to define a window through which the energy is directed (as shown by the arrows in Figure 15). Fjield also disclose the use of a contrast medium injected into the balloon in order to visualize the location of the device within the heart (col. 15, lines 19-30). Visualization is done using X-ray, among other options. However, Fjield et al only disclose injecting the medium into the balloon and not specifically distal of the balloon and into the heart structure as recited in claim 1.

Tu et al, as addressed in the previous Office action, disclose another cardiac catheter used to ablate cardiac tissue (see Figure 4). Specifically, Tu et al teach that it is known to provide a contrast medium through the distal tip of the device so as to assist in x-ray imaging while the device is within the heart (Abstract).

To have provided the Fjield et al device, which includes a central channel extending through the ablation device, with a means to provide a contrast medium into the heart distal to the ablation element to assist in x-ray visualization of the device would have been an obvious alternative for one of ordinary skill in the art since Tu et al

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teach that it is known to provide a contrast medium in such a manner for the same purpose in a cardiac ablation device.

Response to Arguments

Applicant's arguments filed January 25, 2010 have been fully considered but they are not persuasive.

The arguments are based on the premise that Fjield et al fail to disclose a balloon including first and second reflective surfaces as now set forth in claim 7. The examiner disagrees. As asserted in the rejection above, Fjield et al clearly disclose a balloon having two reflective surfaces as claimed as evidenced by Figure 15. Further, it is noted that the printed Publication of Fjield et al has been applied in the art rejection since this reference qualifies under 35 USC 102(a). The disclosure in the printed Publication is the same as in USPN 6,635,054.

Applicant has not substantively argued the merits of the combination of the Tu teaching with the Fjield reference, and the examiner maintains that this combination of teachings remains tenable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Peffley whose telephone number is (571) 272-4770. The examiner can normally be reached on Mon-Fri from 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Peffley/
Primary Examiner, Art Unit 3739

/mp/
March 3, 2010